

Appl. No. : **10/789,836**
Filed : **February 27, 2004**

REMARKS

Claims 1, 2, 4-16, 18-21, 24, 25 and 27-67 are pending. Claims 1-42 and 56-67 are allowed. Claims 48, 49, 51 and 53-55 are objected to as depending from a rejected claim, but are otherwise allowable.

Rejection under 35 U.S.C. §102(b)

Claims 43-47, 50 and 52 are rejected under 35 U.S.C. §102(b) as being anticipated by Toppo (U.S. Pat. No. 5,318,960). The Office Action states that Toppo discloses a transdermal delivery system containing calcitonin.

In the Interview conducted on November 15 between the Examiner and Applicants' representative Eric Furman, the Examiner agreed that Toppo teaches administration of capsaicin, which affects the function of peptides, and that, therefore, one of ordinary skill would not administer peptides such as calcitonin in the delivery system of Toppo as claimed by Applicant.

In view of the present interpretation of Toppo, Applicants submit that Claims 43-47, 50 and 52 are not anticipated by Toppo because Toppo does not disclose a transdermal delivery system containing calcitonin. Accordingly, Applicants respectfully request removal of this ground of rejection of the claims.

Appl. No. : 10/789,836
Filed : February 27, 2004

CONCLUSION

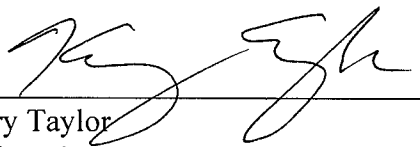
In view of the above comments, Applicant believes that the instant application is in condition for allowance and such action is earnestly solicited. However, if any issues remain, the Examiner is respectfully requested to call Applicant's attorney, Eric S. Furman at (619) 687-8643 to resolve such matters promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1-Dec-06

By: 
Kerry Taylor
Registration No. 43,947
Attorney of Record
Customer No. 20,995
(619) 235-8550

3162399
113006